

## Article - Labor and Employment

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§5–309.

(a) The Board shall propose or recommend occupational safety and health standards that:

(1) are or will be at least as effective in providing safe and healthful employment and places of employment as any standard adopted under the federal Occupational Safety and Health Act of 1970; and

(2) will not put an undue burden on interstate commerce when:

(i) a local condition or customized product or part requires the application of an occupational safety and health standard that differs from a federal standard; and

(ii) applied to a product or part that is distributed or used in interstate commerce.

(b) The Board shall include in each occupational safety and health standard that it proposes or recommends:

(1) a requirement for the use of a label or other appropriate form of warning as necessary to ensure that each employee is apprised of:

(i) each hazard to which the employee is exposed;

(ii) each relevant symptom of exposure;

(iii) emergency treatment appropriate for exposure; and

(iv) each proper condition and precaution for safe use or exposure;

(2) when appropriate in connection with a hazard, a requirement for:

(i) use of suitable protective equipment; and

(ii) control of technological procedures; and

(3) as necessary to protect employees, a requirement to measure or monitor exposure of employees to a hazard:

- (i) at appropriate intervals;
- (ii) at each appropriate location; and
- (iii) in an appropriate manner.

(c) (1) To develop occupational safety and health standards about toxic materials or harmful physical agents, the Board shall propose or recommend occupational safety and health standards that most adequately ensure, to the extent feasible on the basis of the best available evidence, that no employee, including an employee who has regular exposure to toxic materials or harmful physical agents during the working life of the employee will suffer material impairment of health or functional capacity.

(2) To the extent practicable, the Board shall express each proposed occupational safety and health standard under this subsection in terms of objective criteria and desired performance.

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